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**JUL 21 2004**

In re Application of : **OFFICE OF PETITIONS**  
David Henzerling :  
Application No. 09/741,208 : **DECISION ON PETITION**  
Filed: December 19, 2000 :  
Attorney Docket No. 42390P10397 :

This is a decision on the petition under 37 C.F.R. § 1.137(b),  
filed March 3, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to  
timely file a proper reply to the final Office action mailed  
April 22, 2003. This Office action set a shortened statutory  
period for reply of three (3) months. On September 22, 2003,  
applicant filed an amendment, made timely by an accompanying  
petition (and fee) for extension for response within the second  
month. However, by advisory action mailed November 10, 2003,  
applicant was advised that the amendment failed to place the  
application in condition for allowance. No proper reply having  
been received and no further extension of time obtained, the  
application became abandoned on September 23, 2003. A Notice of  
Abandonment was mailed on March 11, 2004.

With the instant petition, petitioner filed a Request for  
Continued Examination (RCE) under 37 C.F.R. § 1.114, including a  
submission and payment of the RCE fee. The RCE has been accepted  
as the required reply under 37 C.F.R. § 1.137(b)(1). Petitioner  
has met all other requirements for a grantable petition under 37  
C.F.R. § 1.137(b).

Technology Center 2876 has been advised of this decision. The  
RCE and submission will be considered in due course.

Telephone inquiries specific to this decision should be directed  
to the undersigned at (703) 305-0309.

  
Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions